

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)
)
)
v.) No. 1:11-cr-006-01-JL
)
BRIAN MAHONEY)

JOINT STATEMENT OF COUNSEL AND REQUEST FOR ORDER
REGARDING RESTORATION HEARING

With the express assent of defense counsel, the undersigned submits this Joint Statement of Counsel and Request for Order Regarding Restoration Hearing.

On January 3, 2013, counsel jointly asked the Court to schedule a telephone conference, which the Court held on January 4, 2013.

During that telephone conference, counsel requested that the Court consider holding a status hearing at which the Court, and Bureau of Prison psychologist Shawn Channell, could observe Mr. Mahoney and his interaction with defense counsel, Andrew Schulman.

The Court agreed to hold the requested status hearing if Dr. Channell were present.

Dr. Channell advised counsel that he had not finalized his forensic report and that he was willing to attend a hearing, observe Mr. Mahoney and then provide opinion testimony to the Court regarding Mr. Mahoney's competence and restoration, or lack thereof.

However, due to intervening events, the parties hereby withdraw their request for a status hearing.

Counsel agree that Dr. Channell should promptly finalize his forensic report regarding competence and potential restoration, provide it to the Court, and the Court should thereafter

conduct a hearing as soon as practicable, with the defendant physically present, at which Dr. Channell will testify, to determine whether Mr. Mahoney is competent, and, if he is not, whether he can be restored to competence.

WHEREFORE counsel for the government and for the defendant request that the Court:

- A. Order that Dr. Channell's report be promptly finalized and provided to the Court; and,
- B. Schedule a hearing, with Mr. Mahoney physically present in Court, as soon as practicable thereafter to determine whether Mr. Mahoney is competent, and, if he is not, whether he can be restored to competence.

January 10, 2013

Respectfully submitted,

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/s/ Arnold H. Huftalen
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CERTIFICATION RE: SERVICE & CONCURRENCE

I certify that a copy of this Notice and Request for Order has been served upon Andrew Schulman, Esq., defense counsel of record, via ecf filing notice today, January 10, 2013. Defense counsel joins and assents to the relief sought.

/s/ Arnold H. Huftalen
Arnold H. Huftalen